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Attorneys for Defendants Power
Ventures, Inc. and Steve Vachani

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FACEBOOK, INC.,

Plaintiff,

-against-

POWER VENTURES, INC. d/b/a POWER.COM, a
California corporation; POWER VENTURES, INC.
a Cayman Island Corporation, STEVE VACHANI,
an individual; DOE 1, d/b/a POWER.COM, an
individual and/or business entity of unknown nature;
DOES 2 through 25, inclusive, individuals and/or
business entities of unknown nature,

Defendants.

Case No. 5:08-CV-05780 JW

**DECLARATION OF L. TIMOTHY
FISHER, PURSUANT TO CIVIL
L.R. 79-5(D), IN RESPONSE TO
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL CERTAIN
PORTIONS OF FACEBOOK, INC.'S
MOTION TO COMPEL**

1 I, L. Timothy Fisher, declare:

- 2 1. I am an attorney with the law firm of Bursor & Fisher, P.A. and counsel for
3 Defendants Power Ventures, Inc. ("Power") and Steve Vachani. I make this
4 declaration, pursuant to Civil Rule 79-5(d), in response to Plaintiff's administrative
5 motion to file under seal certain portions of Facebook, Inc.'s Motion to Compel.
6 Dkt. No. 128.
- 7 2. Facebook, Inc.'s Motion to Compel includes portions of the transcript of the July
8 20, 2100 deposition of Defendant Steve Vachani, which has been designated in its
9 entirety as Highly Confidential – Attorneys' Eyes Only.
- 10 3. Certain portions of the Vachani deposition transcript include references to and
11 discussions of Power's source code. Power's source code is a highly confidential
12 part of its business and has been granted special protection under the protective
13 order in place in this case. *See* 2/4/11 Stipulated Protective Order for Standard
14 Litigation at 12-13.
- 15 4. The following pages of the Vachani deposition cited in Facebook, Inc.'s Motion to
16 Compel include references to Power's highly confidential source code: 36-40, 50,
17 53, 57-63, 91-92, 111-113, 133-134, 259-261, 266, 269, and 271-272. These pages
18 of the Vachani deposition cited in Exhibit E to Facebook, Inc.'s Motion to Compel
19 are sealable.
- 20 5. Defendants hereby withdraw the confidential designation of the following pages of
21 the Vachani deposition cited in Facebook, Inc.'s Motion to Compel: 1-8, 21-22, 25,
22 48, 91, 132, 135-144, 155, 171-172, 182-183, 205-206, 229-230, 232, 245-246, 256-
23 258, 270, 284-285, 290-291, 293-301, 333-339, 341-344, and 361-362.

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25 I declare under penalty of perjury that the foregoing is true and correct to the best of my
26 knowledge. Executed this 1st day of September, 2011, at Walnut Creek, California.
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L. Timothy Fisher

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